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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,601	08/27/2001	Satoshi Ejima	032372.01	3679
25944	7590	05/01/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			SAX, STEVEN PAUL	
			ART UNIT	PAPER NUMBER
			2174	
DATE MAILED: 05/01/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,601

Applicant(s)

EJIMA ET AL.

Examiner

Steven P. Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/3/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-20, 25-27 and 30-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-20, 25-27 and 30-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined. The amendment filed 4/3/06 has been entered.
2. The indicated allowability of claims 7-20, 25-27 and 30-32 is withdrawn in view of the newly discovered reference(s) to Fant (4835532) and Miller et al (4941191).
Rejections based on the newly cited reference(s) follow.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 7-9, 11-14, 16-20, 25-27, 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fant (4835532) and Miller et al (4941191).
5. Regarding claim 7, Fant shows an information processing apparatus having: (first image input means for inputting a first image (Figures 3, 6, 8, column 6 lines 55-65, column 8 lines 25-40), filter means for eliminating a high spatial frequency component of the first image (Figures 18-19, column 18 lines 43-60), memory for recording the first image having the high spatial frequency component eliminated (column 16 lines 55-67),

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second image input means for inputting a second image (Figures 4-5, column 5 lines 25-49), filter means for eliminating a high spatial frequency component of the second image (Figures 18-19, column 18 lines 40-65), second memory for recording the second image having the high spatial frequency component eliminated (column 23 lines 35-65), interpolation means for interpolating the second image recorded in the memory (Figure 35, column 19 lines 10-50), filter means for eliminating a high spatial frequency component of the first image output by the memory and second interpolated image (column 21 lines 5-35 and 40-60), and output means for outputting a third image in which the first and second images each having the high spatial frequency component eliminated, are superimposed (Figures 7, 9-10, column 29 lines 60-67, column 30 lines 1-35). Fant does not go into the details that there are separate filters for each image and then a third filter for the processed images that are about to be superimposed, but does mention the efficient smoothing and filtering process for each image and at each step of the process. Furthermore, Miller et al do show separate filters for eliminating the high spatial frequency component of each image (low pass filters), and a third filter for the processed images for efficient smoothing and filtering for each image and at each step of the image processing (Figures 3-4, column 9 lines 10-62, column 10 lines 30-55). It would have been obvious to a person with ordinary skill in the art to have this in Fant, because it would allow efficient smoothing and filtering for each image and at each step of the image processing.

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6. Regarding claim 8, note the display in Fant (Figure 10 for example, column 4 lines 60-65).

7. Regarding claim 9, the first image is a photographic image, and the second image is a line drawing (Fant Figures 4, 6, 9 for example, column 6 lines 55-65).

8. Regarding claim 11, note that in Fant one memory has a greater capacity than the other (column 23 lines 35-65).

9. Claims 12-14 and 16 show the same features as claims 7-9 and 11 and are rejected for the same reasons.

10. Regarding claim 17, in addition to that mentioned for claim 7, note in general the pixel smoothing (Fant Figures 19, 50, column 18 lines 42-65).

11. Claims 18-20 show the same features as claims 8-9 and 11 and are rejected for the same reasons.

12. Claims 25-26 show the same features as claim 7 and are rejected for the same reasons.

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13. Claim 27 shows the same features as claim 17 and is rejected for the same reasons.

14. Claims 30-31 show the same features as claim 7 and are rejected for the same reasons.

15. Claim 32 shows the same features as claim 17 and is rejected for the same reasons.

16. Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fant (4835532) and Miller et al (4941191) and Noguchi et al (5642135).

17. Regarding claim 10 and 15, in addition to the aforementioned, Fant and Miller do not go into the details of the touch tablet and pen per se, but Fant mentions artist and line drawing inputs. Furthermore, Noguchi et al show the touch tablet and pen for user (artist) line drawing input (column 6 lines 60-67). It would have been obvious to a person with ordinary skill in the art to have this in Fant (and thus as well with the combination of Fant and Miller et al), because it would allow efficient artist line drawing input.

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18. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Note though that the Finality has been withdrawn in view of the new grounds for rejection.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


